

Committee of the Whole

April 09, 2013

The Committee of the Whole of the Benton County Quorum Court met Tuesday, April 09, 2013 at 6:00 p.m. in the Quorum Court Room, County Administration Building, Third Floor, 215 East Central, Bentonville, Arkansas.

13 JPs Present: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Blaty, Curry, Carr, Meyers, and Moehring

2 Absent: Anglin, Moore

Others Present: County Judge Bob Clinard, Assessor Glenn “Bear” Chaney, Administrator of General Services John Sudduth, Comptroller Sarah Daniels, 9-1-1 Administration Director of Operations Mary Kay Sullivan

Media: Tom Sissom - Daily Record

Vice-chair Tom Allen called the meeting to order.

JP J. Harrison made motion to suspend the rules and read all ordinances and resolutions by title only, seconded by JP Jones.

A. Resolution Request: Confirming County Judge’s Appointment of Michael Caudill to the 9-1-1 Administration Board Law Enforcement Position

JP Carr made motion to approve and forward the proposed resolution to the April 25, 2013 Quorum Court agenda, seconded by JP K. Harrison.

JP Allen recognized Michael Caudill.

Michael Caudill, Cave Springs Chief of Police, stated that he had been Chief of Police of Cave Springs since May 2011, and that prior to that had worked for the Memphis Police Department for 26 years. He stated that 9-1-1 is the first to be in contact with the citizens, and that it is very important to the overall law enforcement function, and he is looking forward to being part of the 9-1-1 Administration Board if he is allowed to do so.

JP Allen stated that Chief Caudill has been a great addition to the City of Cave Springs.

Motion passed by unanimous show of hands vote.

B. Resolution Request: Confirming County Judge’s Appointment of Jerry Oliver to the 9-1-1 Administration Board Member at Large, Position 3

JP Jones made motion to approve and forward the proposed resolution to the April 25, 2013 Quorum Court agenda, seconded by JP J. Harrison

JP Allen recognized Jerry Oliver.

Rocky Branch Fire Department Chief Jerry Oliver stated that he has been with the rural fire service for thirteen years, the Rocky Branch Fire Department Chief for two years, and that he looks forward to contributing in any way that he can.

Motion passed by unanimous show of hands vote.

C. Resolution Request: Authorizing the County Judge to Apply for an Arkansas Administrative Office of the Courts – Court Security and Emergency Preparedness 2013 Grant

JP Jones stated this resolution request is to apply for the Arkansas Administrative Office of the Courts – Court Security and Emergency Preparedness 2013 Grant that will provide state funds up to \$15,000 to purchase security equipment for all courts in Benton County and that the county will provide a \$14,644 contribution match to satisfy “Option A” for the additional security equipment for the Circuit and District Courts.

JP Jones made motion to approve and forward the proposed resolution to the April 25, 2013 Quorum Court agenda, seconded by JP Carr.

Motion passed by unanimous show of hands vote.

D. Appropriation Ordinance Request: County Jail, Dept. 67, Fund 931

JP Jones stated this appropriation ordinance request is to purchase additional security cameras at the Jail, and will be purchased through the Jail Maintenance Fine Fund.

JP Jones made motion to approve and forward the proposed appropriation ordinance to the April 25, 2013 Quorum Court agenda, seconded by JP K. Harrison.

Motion passed by unanimous show of hands vote.

E. Appropriation Ordinance Request: Sheriff’s Office, Dept. 05, Fund 010

JP Moehring stated this appropriation ordinance request is to appropriate a \$5,000 grant received from Wal-Mart to purchase car seats.

JP Moehring made motion to approve and forward the proposed appropriation ordinance request to the April 25, 2013 Quorum Court agenda, seconded by JP Jones.

Motion passed by unanimous show of hands vote.

F. Appropriation Ordinance Request: Transfer of Funds, Treasurer Automation, Dept. 04, Fund 045

JP J. Harrison stated this appropriation ordinance request is to transfer funds to purchase a server to support the new financial software system.

JP J. Harrison made motion to approve and forward the proposed appropriation ordinance request to the April 25, 2013 Quorum Court agenda, seconded by JP Jones.

Motion passed by unanimous show of hands vote.

G. Ordinance Request: Amend Sec. 6-32 of the Code of Ordinances of Benton County

JP Jones stated this ordinance request is to provide a refund procedure for taxes imposed on private clubs for gross sales and to include a three year period in which an appeal for a refund of the overpayment could be made.

JP Jones made motion to approve and forward the proposed ordinance to the April 25, 2013 Quorum Court agenda, seconded by JP Moehring.

JP Allen stated this ordinance is to correct an error in the books; that the county should be charging 5% instead of the 6% currently being charged on gross sales, and that it will include a three-year period in which an appeal for a refund can be made

Motion passed by unanimous show of hands vote.

H. Appropriation Ordinance Request: County Road, Dept. 44, Fund 020

JP Curry stated this appropriation ordinance request is to appropriate \$420,000 to the Road Department and an additional \$1.1 million from the county's reserve fund to the Road Department this year.

JP Curry made motion to approve and forward the proposed appropriation ordinance with "Option 2" to the April 25, 2013 Quorum Court agenda, seconded by JP K. Harrison.

JP Moehring stated that Administrator of Public Services Scott Stober made a really nice presentation on why this is a good time to put some additional funds into our roads. He stated that the only issue he has a problem with is accelerating the use of future tax revenues, and that they cannot obligate future courts with that. He stated we need to go ahead and use the reserves dollars and not pretend that it is accelerated down the road, and that he supports the appropriation ordinance request.

JP Meyers asked if they should consider a resolution indicating that the \$1.1 million being transferred from reserves is to be repaid from the sales tax revenues, and that would give future justices of the peace some clear guidance.

JP Allen stated that there was quite a bit of discussion about repaying reserves, and that they have all decided to go year-by-year because they cannot obligate future budgets or future Quorum Courts. He added that they can do a resolution, but it is only worth the paper it is printed on and the ink used to print it. He stated that the court as a body has

decided not to mess with accelerating the use of future tax revenues and going ahead with expending the money, and that it is a good use of reserves.

JP McKenzie stated that this is a good use for county reserves, and that going forward that it is a good idea to do a year at a time.

JP Jones stated that the recommendation from the Finance Committee meeting was not to pay this money back, it is just for this year, and if they want to look at it next year to do something special, they can do that at budget time. He stated we are not going forward with an accelerated plan; we are going to fix our roads.

JP Allen stated that we did not say that we would not pay the money back; we just said that we are not addressing it at this time, and if future courts want to pay it back, that is up to them.

Motion passed by unanimous show of hands vote.

I. Appropriation Ordinance Request: Environmental, Dept. 38, Fund 010

County Judge Bob Clinard stated this is an extension of the 2012 Interlocal Agreement between Benton County, Arkansas and the Northwest Arkansas Regional Planning Commission to monitor the studies done on pollution and discharges into the Illinois River. He stated that the state of Oklahoma and Arkansas have agreed to have their governors appoint a six-member commission to oversee an independent study examining the Oklahoma standards.

County Judge Bob Clinard stated that Oklahoma had used a study that was done in Colorado, and if we are held to that phosphorus total maximum daily loads (TMDL) loading limit it would cost Benton County and Northwest Arkansas millions of dollars to come into compliance.

Jeff Hawkins with Northwest Arkansas Regional Planning Commission stated that Oklahoma has designated the Illinois River as a scenic river and has proposed an allowable phosphorus level that Arkansas officials have questioned. He stated that area cities have spent over \$220 million upgrading their wastewater treatment facilities in the last decade and are estimating that meeting the phosphorus level proposed by Oklahoma could be cost-prohibitive. He stated that every effort is going to be made to make sure that it is a scientifically reliable study.

Lengthy discussion was held on the extension of the 2012 Interlocal Agreement to continue to retain experts to conduct studies and the related work regarding phosphorous and TMDL standards for a scientific basis for phosphorus stream standards based on EPA guidelines.

JP Jones made motion to approve and forward the proposed appropriation ordinance request to appropriate \$40,000 for Benton County's share of costs being borne by local government to monitor the studies being done on the Illinois River to the April 25, 2013 Quorum Court agenda, seconded by JP Sandlin.

Motion passed by unanimous show of hands vote.

OTHER BUSINESS

None

ANNOUNCEMENTS

JP Carr announced that the Public Safety Committee will meet Monday, April 29, 2013 at 5:30.

JP Allen announced that the Legislative Committee will meet Tuesday, April 16, 2013, at 6:00 p.m.

JP Sandlin announced that the Personnel Committee will meet Monday, April 22, 2013 at 6:00 p.m.

County Judge Bob Clinard announced that a Town Hall meeting will be held at the Town Hall in Pea Ridge, on Monday, April 15, 2013 at 6:00 p.m.

County Judge Bob Clinard announced that an Intergovernmental Meeting will be held Thursday, April 11, 2013 at 10:00 a.m.

County Judge Bob Clinard announced that an Ambulance Provider Meeting will be held Tuesday, April 16, 2013 at 10:00 a.m.

PUBLIC COMMENTS

None

ADJOURNMENT

Meeting adjourned at 7:06 p.m.